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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PEZZUTO, ROBERT ERIC	
ART UNIT	**PAPER NUMBER**
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/036,107	IUPPA ET AL.	
	Examiner	Art Unit	
	Robert E. Pezzuto	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *40,43-53,56-66,74,83,95,98,100,107,110 and 112* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *40,43-53,56-66,74,83,95,98,100,107,110 and 112* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *November 9, 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 40, 43-46, 49, 51-53, 56-59, 62, 64- 66, 74, 95, 100, 107, 112 and 119-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotecka (US 6,296,487) in view of Best (U.S. Patent 5,358,259).

1. [Claims 40,53,66,74,95,107,119]: Regarding Claims 40, 53, 66, 74, 95, 107 and 119, Lotecka discloses providing simulation content, wherein providing simulation content comprises providing dramatic character driven story based simulation content. See Abstract. Lotecka discloses generating a representation of expected responses to the simulation content (i.e., a plurality of sentences the student may select). See Abstract. Lotecka discloses delivering the simulation content to on or more participants via a computer network (i.e., Internet). See Abstract. Lotecka discloses monitoring the one or more participants' responses to the simulation content (i.e., receiving student's selection) and providing feedback (i.e., a response scene) to the one or more participants based upon dramatic goals (i.e., goal) of the simulation. See Abstract. Lotecka discloses comparing the one or more participants' responses with the representation of expected responses to the simulation content and altering the simulation content in response to the one or more participants' responses based upon

dramatic goals of the simulation, wherein the dramatic goals are based on dramatic story telling. See Col.5: 12-20. The invention set forth in Lotecka is considered to be a gaming simulation.

Lotecka does not disclose a story that follows a series of events or providing feedback when participants' responses deviate from expected responses leading to pedagogical and dramatic goals. However, Best teaches a story that follows a series of events (col. 3, lins. 58 – 60) and providing feedback when participants' responses deviate from expected responses leading to pedagogical and dramatic goals (col. 11, lins. 31 – 38; where branching dialog will provide different responses for different player responses) wherein said feedback is provided within the context of said story such that said feedback promotes the progression of said story while achieving the pedagogical goals of said training and the dramatic goals of said story (col. 11, lins. 31 – 38; where branching dialog is provided in context of a game through interactions between in-game characters), further wherein said feedback is based on participants' responses to an event in said series of events and is presented to develop said story (col. 3, lins. 62 – 68; col. 4, lins. 1 – 9; where player choices in a game move a story forward and prompt responses by in-game characters) wherein said dramatic goals are organized into a goal hierarchy, said goal hierarchy comprising an outline of all of said dramatic goals, further wherein each dramatic goal is comprised of sub-goals to be achieved prior to achieving each dramatic goal (fig. 8; where a branching story format creates a goal hierarchy, where each intermediate node is a sub-goal and each end node is a resolution to a story) in order to guide a player through a complex story game with many

possible completion paths. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the character driven story game system of Lotecka with the character driven story game following a series of events of Best in order to guide a player through a complex story game with many possible completion paths.

2. [Claims 43,56]: Regarding Claims 43 and 56, Lotecka discloses wherein the step of delivering the simulation content comprises using multimedia technology (i.e., MACROMEDIA AUTHORWARE) for creating a realistic environment. See Col.3: 27-34.

3. [Claims 44,57]: Regarding Claims 44 and 57, Lotecka discloses the step of generating one or more synthetic characters. See Col.4: 54-61. Lotecka does not disclose characters providing feedback which alters said simulation content. However, Best teaches characters providing feedback which alters said simulation content (col. 4, lins. 10 – 16; where a simulation scene changes after a player has already once participated in that simulation scene) in order to guide a player through a complex story game with many possible completion paths. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the character driven story game system of Lotecka with the character driven story game following a series of events of Best in order to guide a player through a complex story game with many possible completion paths.

4. [Claims 45,58]: Regarding Claims 45 and 58, Lotecka discloses wherein the feedback is provided by the one or more synthetic characters. See Col.5: 12-17.

5. [Claims 46,49,59,62]: Regarding Claims 46, 49, 59, and 62, Lotecka discloses wherein the one or more synthetic characters are used to alter the simulation content (e.g., However, if she responded with a "Hi," (40% probability) then the student can click on next-button 9 (FIG.5) and move on to the next prompting scene...) and altering the simulation content in response to the one or more participants' responses. See Col.5: 17-20.

6. [Claims 51,64]: Regarding Claims 51 and 64, Lotecka discloses the step of delivering immersive audio to the one or more participants. See Col.6: 28-30.

7. [Claims 52,65]: Regarding Claims 52 and 65, Lotecka discloses wherein the computer network comprises the Internet. See Abstract.

8. [Claims 100,112]: Regarding Claims 100 and 112, Lotecka discloses wherein said simulation is a training exercise or a gaming exercise. See Abstract. Lotecka discloses wherein the step of delivering the simulation content comprises using multimedia technology (i.e., MACROMEDIA AUTHORWARE) for creating a realistic environment. See Col.3: 27-34.

Claims 47-48, 60-61, and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotecka in view of Best, and further in view of Cook (US 5,727,950).

1. [Claims 47,60]: Regarding Claims 47 and 60, Lotecka does not disclose expressly wherein the feedback is provided by an instructor (i.e. agent). However, Cook teaches such in Col.5: 46-48, Col.5: 64-Col.6: 12, and Col.6: 57-64. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to

incorporate wherein the feedback is provided by an instructor into the method and system of Lotecka, in light of the teaching of Cook, in order to provide feedback and help on ongoing instruction.

2. [Claims 48,61]: Regarding Claims 48 and 61, Lotecka does not disclose expressly alerting an instructor of the one or more participants' responses when the one or more participants' responses deviate from the representation of the expected responses to the simulation content. However, Cook teaches such in Col.13: 46-64 and Col.14: 8-16. A deviation from the representation of the expected responses to the simulation content is considered to be an error. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Lotecka, in light of the teaching of Cook, in order to track progress.

3. [Claim 83]: Regarding Claim 83, Lotecka does not disclose expressly an instructor interface for displaying information to an instructor, receiving input from the instructor (i.e. teacher/administrator, agent, instructional designer) and wherein the simulation content is presented by an instructor. However, Cook teaches such in Col.29: 41-Col.30: 1-34. Lotecka does not disclose expressly an artificial intelligence engine (i.e. materials engine) for analyzing input into the one or more participant workstations and presenting the simulation content in response to the input to achieve dramatic goals of the simulation. However, Cook teaches such in Col.38: 59-61-Col.39: 8-12. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and

system of Lotecka, in light of the teaching of Cook in order to allow supervision of the student's use of the system and customizing of materials available to the students. The invention set forth in Lotecka is considered to be a gaming simulation. Lotecka discloses the step of delivering immersive audio to the one or more participants. See Col.6: 28-30. Examiner has corrected the citation above per Applicants' argument pertaining to the teaching of an artificial intelligence engine in Lotecka. Examiner maintains that Cook teaches an instructor interface for displaying information to an instructor, receiving input from the instructor (i.e. teacher/administrator, agent, instructional designer) and wherein the simulation content is presented by an instructor. Therefore, the rejection of the aforementioned limitation is proper.

Lotecka does not disclose dramatic goals organized in a goal hierarchy. However, Best teaches dramatic goals wherein said dramatic goals are organized into a goal hierarchy, said goal hierarchy comprising an outline of all of said dramatic goals, further wherein each dramatic goal is comprised of sub-goals to be achieved prior to achieving each dramatic goal (fig. 8; where a branching story format creates a goal hierarchy, where each intermediate node is a sub-goal and each end node is a resolution to a story), in order to organize the progression of a story for a player. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the character driven story game system of Lotecka with the character driven story game following a series of events of Best in order to organize the progression of a story for a player.

4. [Claim 94]: Regarding Claim 94, Lotecka does not disclose expressly a system activity database for logging information generated in response to the simulation content (i.e. materials specific progress data). However, Cook teaches such in Col.15: 6-8. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation, into the method and system of Lotecka, in light of the teaching of Cook, in order to store materials specific progress data.

5. [Claim 117]: Regarding Claim 117, Lotecka discloses wherein the computer network comprises the Internet. See Abstract.

6. [Claim118]: Regarding Claim 118, Lotecka discloses wherein the step of delivering the simulation content comprises using multimedia technology (i.e., MACROMEDIA AUTHORWARE) for creating a realistic environment. See Col.3: 27-34.

Claims 50, 63, 98, and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotecka in view of Best, and furthering view of Siddle.

[Claims 50, 63, 98, 110]: Regarding Claims 50, 63, 98, and 110, Lotecka does not disclose expressly wherein the simulation content depicts military scenarios. However, Siddle teaches such on p.3, [0021] (i.e. firearms training, mission and/or duty to which a trainee is assigned). Firearms training and depicting a mission and/or duty to which a trainee is assigned is considered to be a military scenario. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate

simulation content that depicts military scenarios into the method and system of Lotecka, in light of the teachings of Siddle, in order to more completely train.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Robert E. Pezzuto at telephone number (571) 272-6996.

ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER